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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/608,235	06/27/2003	Niall O'Donoghue	881A.0012.U1(US)	8545
29683 7590 12/20/2006 HARRINGTON & SMITH, LLP 4 RESEARCH DRIVE SHELTON, CT 06484-6212			EXAMINER LASHLEY, LAUREL L	
			ART UNIT 2132	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE			MAIL DATE	DELIVERY MODE
3 MONTHS			12/20/2006	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/608,235	<b>Applicant(s)</b> O'DONOGHUE, NIALL	
	<b>Examiner</b> Laurel Lashley	<b>Art Unit</b> 2132	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 10/23/06.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                 | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                        | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date. _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Amendment***

1. Applicant's amendments with respect to amended claims 1 – 14 filed 10/23/2006 have been accepted.
2. The Examiner has noted Applicant's removal of reference characters in the claims even though not shown in the "Amendments to Claims"; as such a proper response to this Office action should include a complete mark-up copy displaying all changes to the claims, otherwise the response will be deemed non-compliant.
3. The rejection under 35 USC 112, second paragraph has been overcome therefore withdrawn.

### ***Response to Arguments***

4. Applicant's arguments have been fully considered but they are not persuasive. It is Applicant's assertion that Banatre does not anticipate claim 1, as claim 1 further recites in part "selecting from the centralized register a user profile in response to said identifying, and performing authentication in the selected usage context by using data from the selected user profile." The Examiner respectfully disagrees. Banatre discloses a communication phase for which the context sensitive service and access interface determines the presence of a user. (see [0029] and [0031]) The presences is based upon a request/answer type communication at which time a user enters identifying information that serves to authenticate the user provided that the requested access is permissible to that user. Permissible usage (context) is determined by mapping user requests to identifying information, where only corresponding requirements are granted access. (see [0029, lines 10 – 13; [0031])

For at least these reasons the Examiner maintains the rejection of claims 1 – 14.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

5. Claims 1 –14 are rejected under 35 U.S.C. 102(e) as being anticipated by Banatre et al. in US PGPub No. 2002/0028683 (hereinafter USPGPub '683).

As for claim 1, USPGPub '683 discloses:

A method for authenticating a user of an electronic device in a plurality of usage contexts the user is able to use with the electronic device, that the method comprising:

maintaining a centralized register of the usage contexts available for electronic device and pre-stored user profiles, each user profile being associated with at least one usage context,

the electronic device entering a particular one of said plurality of usage contexts, electronic device identifying said entering,

selecting from the centralized register a user profile in response to said identifying, and

performing authentication in the selected usage context by using data from the selected

user profile. (Abstract, see [0027] – [0031])

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As for claim 2, USPGPub '683 discloses:

A method according to claim 1, wherein said user profile comprising at least one of the following: a user key, a user certificate. (see [0027])

As for claim 3, USPGPub '683 discloses:

A method according to claim 2, wherein said user key further comprising at least one of the following a public key and a secret key. (see [0027])

As for claim 4, USPGPub '683 discloses:

A method according to claim 1, wherein the selected usage context comprising an event in a service or application being used in the electronic device by the user, said event further comprising at least one of the following: authentication event, verifying event. (see [0027])

As for claim 5, USPGPub '683 discloses:

A method according to claim 1, wherein the authentication comprising authenticating user's identity when accessing to the selected usage context. (see Abstract, [0001] and [0025])

As for claim 6, USPGPub '683 discloses:

A method according to claim 1, wherein the authentication comprising authenticating a transaction made by the user in the selected usage context. (see Abstract, [0001] and [0025])

As for claim 7, USPGPub '683 discloses:

An electronic device (200) for authenticating a user of said electronic device in a plurality of usage contexts the user is able to use with the electronic device, the electronic device comprising:

a centralized register (202, 209) of the usage contexts available for the electronic device and pre-stored user profiles, each user profile being associated with at least one usage context,

entering means (201-203, 208) for entering a particular one of said plurality of usage contexts, said particular one being a selected usage context,

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identifying means (201-203, 208) for identifying said entering,  
selecting means (201-203, 208, 209) for selecting from the centralized register a user profile in response to said identifying, and  
performing means (201-203, 208, 209) for performing authentication in the selected usage context by using data from the selected user profile. (Abstract, see [0027] – [0031])

As for claim 8, USPGPub '683 discloses:

An electronic device according to claim 7, wherein said performing means are arranged to perform said authentication by using said data from the selected user profile to authenticate the user's identity when accessing the user to the selected usage context.

As for claim 9, USPGPub '683 discloses:

An electronic device according to claim 7, wherein said performing means are arranged to perform said authentication by using said data from the selected user profile to authenticate a transaction made by the user in the selected usage context. (see Abstract, [0001] and [0025])

As for claim 10, USPGPub '683 discloses:

An electronic device according to claim 8, wherein said user profile comprises at least one of the following: user key and user certificate. (see [0027])

As for claim 11, USPGPub '683 discloses:

An electronic device according to claim 10, wherein said user key further comprises public key and secret key. (see [0027])

As for claim 12, USPGPub '683 discloses:

An electronic device according to claim 11, wherein said electronic device is a mobile communication device. ([see 0018])

As for claim 13, USPGPub '683 discloses:

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An electronic device (200) for authenticating a user of said electronic device in a plurality of usage contexts the user is able to use with the electronic device, the electronic device comprising:

- a centralized register (202, 209) of the usage contexts available for the electronic device and pre-stored user profiles, each user profile being associated with at least one usage context,

- an interface (201-205, 208) for entering a particular one of said plurality of usage contexts, said particular one being a selected usage context,

- a processor (201) configured to:

  - identifying said entering,

  - selecting from the centralized register a user profile in response to said identifying, and

  - performing authentication in the selected usage context by using data from the selected user profile. (Abstract, see [0027] – [0031])

As for claim 14, USPGPub '683 discloses:

A computer program product for an electronic device (200) for authenticating a user of said electronic device in a plurality of usage contexts the user is able to use, the computer program product comprising:

- computer program code for causing electronic device to maintain a centralized register of the usage contexts available for electronic device and pre-stored user profiles; each user profile being associated with at least one usage contexts,

- computer program code for causing electronic device entering to a particular one of said plurality of usage contexts, said particular one being a selected usage context,

- computer program code for causing electronic device to identifying said entering, computer program code for causing electronic device to select from the centralized register a user profile in response to said identifying, and computer program code for causing electronic

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device to perform authentication in the selected usage context by using data from the selected user profile. (Abstract, see [0027] – [0031])

**Conclusion**

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kefford et al. in US Patent No. 6880079 discloses methods and systems for secure transmission of information using a mobile device. See et al. in US Patent No. 6874090 discloses a deterministic user authentication service for communication network.

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laurel Lashley whose telephone number is 571-272-0693. The examiner can normally be reached on Monday - Thursday, alt Fridays btw 7:30 am & 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilbert Barron, Jr. can be reached on 571-272-3799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

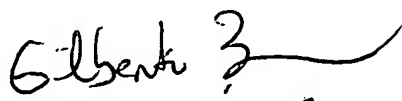


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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Laurel Lashley  
Examiner  
Art Unit 2132

 11 December 2006  
LLL

  
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